

AVERSIVE INTERVENTIONS

In order to assure that WSD students are safeguarded against the use and misuse of various forms of aversive intervention, the following procedures and definitions are being established. These definitions and procedures are not new, and are in complete conformance with state statutes (RCWs) and Washington Administrative Code (WACs).

No employee, volunteer, contractor, or other agent of the Washington School for the Deaf shall authorize, permit, or condone the use of aversive interventions which violates WAC 392-172-388 through 392-172-426 and adopted by reference at WAC 148-120-314 as stated below.

"Aversive intervention" means the systematic use of stimuli or other treatment which a student is known to find painful or unpleasant for the purpose of discouraging undesirable behavior on the part of the student. The term does not include the use of reasonable force, restraint, or other treatment to control unpredicted spontaneous behavior which poses one of the following dangers:

1. A clear and present danger of serious harm to the student or another person.
2. A clear and present danger of serious harm to property.
3. A clear and present danger of seriously disrupting the educational process.

Certain forms of aversive intervention are manifestly inappropriate by reason of their offensive nature or their potential negative physical consequences, or both. These forms of aversive intervention are uniformly prohibited, as follows:

1. Electric current. No student may be stimulated by contact with electric current as a means of aversive intervention.
2. Food services. No student who is willing to consume subsistence food or liquid when the food or liquid is customarily served may be denied or subjected to an unreasonable delay in the provision of the food or liquid as a means of aversive intervention.
3. Force and restraint in general. No force or restraint which is either unreasonable under the circumstances or deemed to be an unreasonable form of corporal punishment as a matter of state law may be used as a means of aversive intervention. See RCW 9A.16.100 which cites the following uses of force or restraint as uses which are presumed to be unreasonable and therefore unlawful:
 - a. Kicking, burning, or cutting a student.
 - b. Striking a student with a closed fist.

- c. Shaking a student under age three.
 - d. Interfering with a student's breathing.
 - e. Threatening a student with a deadly weapon.
 - f. Doing any other act that is likely to cause and which does cause bodily harm to a student greater than transient pain or minor temporary marks.
4. The statutory listing of worst case uses of force or restraint described in subsection (3) of this section may not be read as implying that all unlisted uses (e.g., shaking a four year old) are permissible. Whether or not an unlisted use of force or restraint is permissible depends upon such considerations as the balance of these rules, and whether the use is reasonable under the circumstances.
 5. Hygiene care. No student may be denied or subjected to an unreasonable delay in the provision of common hygiene care as a means of aversive intervention.
 6. Isolation. No student may be excluded from his or her regular instructional or service area and isolated within a room or any other form of enclosure as a means of aversive intervention, except under the conditions set forth in WAC 392-172-394.
 7. Medication. No student may be denied or subjected to an unreasonable delay in the provision of medication as a means of aversive intervention.
 8. Noise. No student may be forced to listen to noise or sound which the student finds painful as a means of aversive intervention.
 9. Noxious sprays. No student may be forced to smell or be sprayed in the face with a noxious or potentially harmful substance as a means of aversive intervention.
 10. Physical restraints. No student may be physically restrained or immobilized by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object as a means of aversive intervention, except under the conditions set forth in WAC 392-172-394.
 11. Taste treatment. No student may be forced to taste or ingest a substance which is not commonly consumed or which is not commonly consumed in its existing form or concentration as a means of aversive intervention.
 12. Water treatment. No student's head may be partially or wholly submerged in water or any other liquid as a means of aversive intervention.

Various forms of aversive therapy which are not prohibited by WAC 392-172-392 nevertheless warrant close scrutiny. Accordingly, the use of aversive intervention involving bodily contact, isolation, or physical restraint not prohibited by WAC 392-172-392 is conditioned upon compliance with certain procedural and substantive safeguards, as follows:

1. Bodily contact. The use of any form of aversive intervention not prohibited by WAC 392-172-392 which involves contacting the body of a

student shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-172-396.

2. Isolation. The use of aversive intervention which involves excluding a student with a handicapping condition from his or her regular instructional area and isolation of the student within a room or any other form of enclosure is subject to each of the following conditions:
 - a. The isolation, including the duration of its use, shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-172-396.
 - b. The enclosure shall be ventilated, lighted, and temperature controlled from inside or outside for purposes of human occupancy.
 - c. The enclosure shall permit continuous visual monitoring of the student from outside the enclosure.
 - d. An adult responsible for supervising the student shall remain in visual or auditory range of the student.
 - e. Either the student shall be capable of releasing himself or herself from the enclosure or the student shall continuously remain within view of an adult responsible for supervising the student.
3. Physical restraint. The use of aversive interventions which involves physically restraining or immobilizing a student by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object is subject to each of the following conditions:
 - a. The restraint shall only be used when and to the extent it is reasonably necessary to protect the student, other persons, or property from serious harm.
 - b. The restraint, including the duration of its use, shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-172-396.
 - c. The restraint shall not interfere with the student's breathing.
 - d. An adult responsible for supervising the student shall remain in visual or auditory range of the student.
 - e. Either the student shall be capable of releasing himself or herself from the restraint or the student shall continuously remain within view of an adult responsible for supervising the student.

The terms of a student's individualized education program (hereafter IEP) respecting the use of an aversive intervention involving bodily contact, isolation, or physical restraint shall meet each of the following requirements:

1. The IEP shall be based upon and consistent with the recommendations of a IEP team which includes a school psychologist and/or other certificated employee who understands the appropriate use of the aversive interventions and who concurs with the recommended use of

the aversive intervention, and a person who works directly with the student.

2. The IEP shall specify the aversive intervention that may be used.
3. The IEP shall state the reason the aversive interventions are judged to be appropriate and the behavioral objective sought to be achieved by its use, and shall describe the positive intervention attempted and the reasons they failed, if known.
4. The IEP shall describe the circumstances under which the aversive intervention may be used.
5. The IEP shall describe or specify the maximum duration of any isolation or restraint.
6. The IEP shall specify any special precautions that must be taken in connection with the use of the aversive intervention technique.
7. The IEP shall specify the person or persons permitted to use the aversive intervention or the current qualifications and required training of the personnel permitted to use the aversive intervention.
8. The IEP shall establish a means of evaluating the effects of the use of the aversive intervention and a schedule for periodically conducting the evaluation.

Adoption Date: 12/09/04